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SUPREME COURT, U.S.

Case No.: 08-1236

IN THE SUPREME COURT OF THE UNITED STATES

JOHN GIMBEL
Petitioner/Plaintiff

v.

DEPUTY FRANK VILLARREAL, DEL NORTE DISTRICT ATTORNEY, DEL NORTE SHERIFF'S DEPARTMENT, DEL NORTE SUPERIOR COURT (JUDGE FOLLET), UNNAMED ACCOMPLICE DEPUTY "DOE" TO VILLARREAL, DEL NORTE COUNTY, STATE OF CALIFORNIA

Respondents/Defendants

ON PETITION FOR REHEARING OF A PETITION FOR WRIT OF CERTIORARI TO THE NINTH CIRCUIT COURT OF APPEALS

PETITION FOR REHEARING

John Gimbel in pro se
225 Brevus St.
Counsel of record
Crescent City, CA 95531
707.464.5908
in pro se as petitioner, for petitioner

PARTIES TO THE PROCEEDING

Petitioner

Petitioner is JOHN GIMBEL, an individual. There exist neither any parent corporations nor does a publicly held corporation own 10% or more of petitioner's stock.

Respondents

Respondents are DEPUTY FRANK VILLARREAL, DEL NORTE DISTRICT ATTORNEY, DEL NORTE SHERIFF'S DEPARTMENT, DEL NORTE SUPERIOR COURT (FOLLET), UNNAMED ACCOMPLICE "DOE" TO VILLARREAL, DEL NORTE COUNTY, STATE OF CALIFORNIA.

Petitioner is unaware of any corporate affiliations regarding respondents.

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OPINIONS, LOWER COURTS

("Petitioner's Appendix" is hereafter "Pet. App"; and, for purpose of this petition for rehearing will always refer to the appendix attached to the petition for writ of certiorari, no. 08-1236)

The opinion of the court of appeals (reprinted at Pet. App. 1) is identified at case cv 08-15701, docket 14 in the Ninth circ. court of appeals. The original order of the district court granting defendants' motion to dismiss (Pet. App. 4) is identified at San Francisco district court, case cv 07-5816 CRB, docket 31 in that court.

JURISDICTION FOR REHEARING

Certiorari denial of 08-1236 was issued by the U.S. Supreme court on June 8, 2009. This petition for rehearing of a petition for writ of certiorari is timely

submitted, S. Ct. Rule 44.1. The jurisdiction of this Court to review the opinion of the Ninth circuit is invoked under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The first amendment of speech of the United States.

The previous petition for certiorari (08-1236) contained ZERO coarse language, if you don't know. Neither does this petition for rehearing contain any. Or, if you didn't read the previous petition, kindly return and do so.

In this petition for rehearing we produce a many-part statement of need for this case to be reviewed by this court:

The original question presented:

CAN WORDS BE USED IN SELF DEFENSE?

You have in petitioner's case, 2 related cases for pure speech to cops only. Both these cases come almost simultaneously now to this

U.S. Supreme court (out of the 9th circ. appeal court below) as S. Ct. nos.: 08-1204; 08-1236 in sequentially-submitted order, earliest is the first one. Both these numbers are petitions for writ of certiorari. The 2 cases' district court complaint nos. are: cv 07 0113 SBA; cv 07 5816 CRB. Both are Ninth circuit; they are cases of pure speech over being SWATted for talking to u.s., u.s. states' cops. THE 18-MAN, TEAM-SWATTED, FIRST SPEECH CASE THAT STARTED, CAUSED AND INITIATED BOTH CASES found protected. The second subject speech case, S. Ct. petition no. 08-1236, was *directly* caused by their error in the first case, and the second subject speech was a direct protest of their year-over-year, PROVED error against the protected

speech in the first case. It is believed the inextricable relation between the two cases is very well shown within the petition for certiorari in 08-1236.

Discerning within these 2 inextricably related cases presented to this court in their respective petitions for writ of certiorari: (items 1-4):

1. You have armadas of SWAT and Gestapo repeatedly attacking a lone man for pure speech to cops only, always for their own pleasure alone, not even "on behalf of the people as alleged servants of the people or for anyone 'out there'," even continuing to create a further attack-case after their first attack-case was found to have been for protected speech. *Even when* the content of the speech in this further

attack against this man's speech was merely to protest their PROVED error in the first case.

2. You have this is a matter of far too grave national concern to the people of this country. They want to feel protected in their speech. I, a sample citizen, shows they cannot be, nor feel in any wise adequately secure without proper straightening of the issues involved; the people need meaningful, if not legally forceful intervention.

3. You have that the peoples' first amendment of speech is by far their most precious. Close to their hearts and their biological innards, their speech, the people give, and give up all materials and possessions to those police who always demand

such. But, after you have given them all these material things, with these police gun-barreling you in the face *then further* for the air over your larynx, speech, or for some keyboard plinking, they are ostensibly stealing your soul, breaking your psyche and marrow. No citizen, subjected to such outrage, scum, has ANYTHING left. Do you know how that feels?

INTRODUCING ALTERNATIVE GROUNDS FOR REVIEW: "ON MOTION FOR LEAVE TO FILE A BILL OF COMPLAINT"

4.... You have that so grave are such behaviors and mannerisms by the police as to the state of affairs in this country, that I demand this court need consider this case before

you, no. 08-1236, alternatively eligible for review under the banner, hopefully the auspice of its original jurisdiction, based on the following: (A. and B.)

A. Because I do speak for all the people in this nation per this case before you, a de facto sovereign entity (the people) is in severe issue and controversy with another sovereign entity (potentially all state and federal governments of the states and United States) over issues of imminent constitutional possession (properly defined right to the first amendment of speech, a *property* of the people, albeit perhaps cultural/intellectual in nature,

distinctly a property, owned by right). It is incumbent now to establish ("boundary"), breadth, parameter, injunction and recompense against those who would dissuade the people from the constitutionally ordained use of their property. The peoples' original right to this property has been invaded, trespassed, trashed and left to die for half decades as I, by smug armed invasions of impunity from within.

The heck they ain't (in controversy).

B. The plebiscite, democracy, entire population being exactly All The People,

the issues in this case affect the people of each and every 50 sovereign states in this nation.

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28 USC 1251 (source: Legal Info Institute, Cornell):

(a) The Supreme Court shall have original and exclusive jurisdiction of all controversies between two or more States.

(b) The Supreme Court shall have original but not exclusive jurisdiction of:

(1) All actions or proceedings to which ambassadors, other public ministers, consuls, or vice consuls of foreign states are parties;

(2) All controversies between the United States and a State;

(3) All actions or proceedings by a State against the citizens of another State or against aliens.

Couldn't (b)(2) of the grounds for original jurisdiction readily be labeled the same as:

"All...controversies between the people of all 50 states against the governments of all 50 states."?

Couldn't it? And isn't that the battle here for the property of the peoples' first amendment of speech? The heck it couldn't be.

When you hold 28 USC 1251 (b)(2), grounds for "original jurisdiction," alongside the above, restated version, you get:

RESTATED:

"All...controversies between the people of all 50 states against/{and} the governments of all 50 states";

ORIGINAL:

{b}{2}...All controversies between the United States and a State;

You've got 1 sovereign mess-puppy, and it may fall clearly as applicable under original jurisdiction in this court.

At worst, depending on how you define "the people," and "the government," the case for original jurisdiction seems SURELY to be covered under one of the 3 grounds for original jurisdiction, if not the one I named, (b)(2).

Now, having decided it would (fall under an original jurisdiction), where you undertake this case under original jurisdiction, "where you might not under appellate

jurisdiction," (but suit yourself, which), the case then also presents, runs aground upon what should be a preemptive argument as to the validity of any "trial by jury" becoming involved, as follows:

Haynes v. Alfred A. Knopf, Inc., 8 F.3d 1222, 1234, affirming summary judgment for defendants:

> "To any suggestion that the outer bounds of liability should be left to a jury to decide, we reply that in cases involving the rights protected by the speech and press clauses of the First Amendment the courts insist on judicial control of the jury."

This court must first determine (whether) their agreement to Haynes. *If so*, then it must recognize that, under original jurisdiction, it is also the not-appealable final jurisdiction for any case taken in original jurisdiction....

Then, therefore, to protect first amendment "bounds of liability," this court alone must then effect the final resolve, a summary judgment to the case ("judicial control"). An example, oft repeated in pure speech cases, of this seeming working "judicial control" is *Watts v. United States, S. Ct. (1969)*, where a jury decided the speech likely "on their emotions," because of "content," but a careful analysis of the constitution vis-a-vis the case by constitutional-persevering and

preserving judges found that ostensibly wrong, upon applying these constitutional principals, and full acquittal ensued. Such sample I take to be repeated oft in courts in pure speech cases. I have studied for over 5 years now, first amendment, nothing else. This "judicial control" can, and needs to be, the same, applied clearly to a *plaintiff's* case for constitutional injury against speech as well, can it not?

Thus, this pure speech case is arguably eligible for review under this U.S. Supreme court's original jurisdiction (reserved typically for battles, issues and conflicts between states).

Though petitioner initiated his case to this court under the appeal

jurisdiction of this court, eligibility under original jurisdiction may establish.

Thus, this petitioner for rehearing of a petition for writ of certiorari, (the latter no. 08-1236), submits, incorporates herewith, via alternative request for review under original jurisdiction by this U.S. Supreme court, a certain subject speech, Pet. App. 12-44 in petit. for writ of cert.; also, the full record and the incorporation here within of all writings in the petition for writ of certiorari on the case, S. Ct. no. 08-1236; and, the full record and incorporation here within of all petitioner's submissions in all lower courts as the substantive complaint, arguments and preliminary briefing--for review on the merits, (subject, it

is believed, to one additional brief and oral argue, should the court accept the case under this court's original jurisdiction). ...That this first amendment-property of this sovereign, democratic people shall live neither hoarded for concentration camp-like suppressions by infamy, darkness, waverance, indigenous and domestic enmities by any authority, nor doubt.

You said..."freedom" be this land; now quit constantly reneging on it by sticking the states' gun barrels in peoples' faces for talking or typing. Set it in stone as best as possible.

John Gimbel in pro se
Brevus St.
Counsel of record
Crescent City, CA 95531
707.464.5908
in pro se as petitioner, for petitioner

Misc. edits and inclusions to original petition for writ of certiorari, 08-1236:

Let me reveal that when this 13 pgs. (the subject speech; same now as Pet. App. 12-44)) was reformatted for the Supreme court petition for cert. booklet, the *corresponding* place in this reformat where I begin discussing only the internet case (beginning pg. 6 in the 13 pg. version) begins at Pet. App. 25, line 6 with: "And you know what's so sad about this case of...."

For this, refer also to:
I had said,

> "(pg. 23, lns 14-16): "I will discuss it, however, as this 13 pg. consideration in what follows:"

Then I said,

> (pg. 24, lns 1-3, and lns 15-18): " From pg. 6 to the end of 13, I'm therefore discussing ONLY (very close) *the internet case,* and his department's error, to Villarreal,...."

Pg. 41, ln 2: Instead of "7-13," it should read "6-13."
Pg. 41, ln 13: Ibidem. Should read "6-13."

Pg. 24, ln 6: reads better as: "...appearing *on average* over *once per* page."

Pg. 34, ln 19, before the word "continue," I would insert an end footnote reminding the reader to recall an earlier insight, something like: ""*fn: I suggest to review the career cops' "relentless hunter" expose beginning pg. 17, ln 2.""

CERTIFICATE OF GOOD FAITH

Petitioner hereby certifies that the foregoing Petition for Rehearing was submitted in good faith and not for purpose of delay. Further, substantial grounds...(44.2), is, in good faith, believed very significantly present in this petition.

John Gimbel
Petitioner, in pro se
225 Brevus St.
Crescent City, CA 95531
707.464.5908